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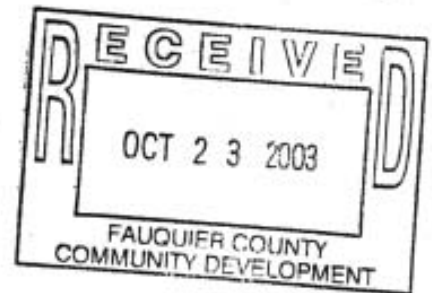
October 22, 2003

VIA HAND DELIVERY

Mr. Raymond E. Graham, Supervisor
 Cedar Run Magisterial District
 40 Culpeper Street
 Warrenton, VA 20186

Re: Cunningham v. Cunningham
 Waiver Request of Ten (10) Year Restriction on
 Selling a Family Transfer Parcel

Dear Mr. Graham:



My client, Dana Drew Cunningham, has asked me to submit this letter to address Section 2-39.14 of the Subdivision Ordinance which allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the restriction.

An extraordinary hardship now exists for Dana Drew Cunningham and Kimberly Ann Cunningham. Since September 2002, the Cunninghams have lived separate and apart and are parties to an on-going contested divorce proceeding. The Court awarded exclusive use of the marital residence, located at 7360 Greenwich Road, Nokesville, Virginia 20181-3568, to Mr. Cunningham and the two Cunningham infant children, Nicholas and Jordan, in November 2002.

The Court ordered Mr. Cunningham to make all mortgage payments and to pay rent for Mrs. Cunningham. Mrs. Cunningham has remained unemployed for the majority of the period of separation and has made only *de minimus* monetary or non-monetary contributions to the well-being of the family.

Mr. Cunningham has exhausted every source of money, including his future inheritance, to try and meet the above described monthly payments along with the obligations to other marital debt of approximately \$35,000.00. His inability to meet the overwhelming financial requirements has already resulted in repossession of an automobile. Foreclosure proceedings were stalled in August with the understanding that the mortgage must remain current.

However, Mr. Cunningham cannot presently afford to occupy the property and will not be able to garner sufficient funds for the October 2003 payment which is now past due. Extended

family members have assisted him during this marital separation. They agree that the practical realities of the present financial situation of Mr. Cunningham require that the property be sold immediately or risk default on the loan forcing foreclosure.

Mrs. Cunningham remains unemployed and has shown no ability to assume the financial obligation for the marital residence. Mr. Cunningham is a self-employed locksmith on call 24-hours per day. But, his first and most important responsibility is the physical care and nurturing of the children. Due to his inability to find and keep a qualified nanny for the children and unavailability of affordable child-care, he has been limited in his availability to be on-call, thus drastically reducing his income.

Interim child-care is currently being provided, without charge, as a ministry to the family. Mr. Cunningham remains unable to work sufficient hours because of travel and time demands as the interim child-care is located in Sterling, Virginia; and this is further exacerbated by the time and travel demands to have the children available for Court awarded visitation to Mrs. Cunningham every Monday, Wednesday and Friday evenings at 6:30 P.M. and every other weekend.

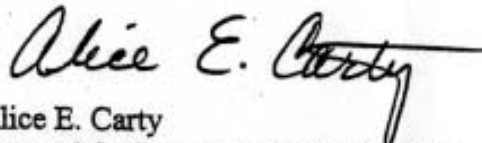
It is Mr. Cunningham's heart-felt desire to honor his now deceased father's wishes that the property remain in the Cunningham family to provide for the housing needs of Dana Cunningham and his children. But, as stated above, the practical realities imposed by the contentious divorce and the inability of family members to financially intercede any further necessitate that the property be sold immediately or risk foreclosure.

For the foregoing reasons, I respectfully request that you sponsor, at your next meeting (or perhaps sooner), a Resolution by the Fauquier County Board of Supervisors, that the requirement that Dana Drew Cunningham hold his family transfer parcel for a period of ten (10) years be waived so that the parcel may be transferred to a non-immediate family member as soon as possible.

Thank you for your expeditious assistance in this matter. If I can provide any further information, please call me at (703) 591-0700 or (571) 214-2657.

Best regards,

WEINER, WEINER & WEINER, P.C.



Alice E. Carty
Counsel for Dana Drew Cunningham

Enclosure

cc: Cathleen Tucker, Esquire
Dana Drew Cunningham